

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2021-120-E ORDER NO. 2021-56-H

APRIL 30, 2021

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTION:

Dominion Energy South Carolina, Incorporated's ("DESC's") Request to Sell Property

MATTER UNDER CONSIDERATION:

Request for Confidential Treatment of Appraisals of the Two Properties

CHIEF HEARING OFFICER'S ACTION:

DESC argues that, due to the commercial sensitivity and proprietary nature of the two appraisals—and the harm to the Company that would result if the appraisals were disclosed and the Company was then forced to market the properties again should the sale to the City of Columbia fail to occur for any reason, DESC requests that the Commission find that the two appraisals contain protected information and issue a protective order barring the disclosure of the appraisals under the Freedom of Information Act, S.C. Code Ann. § 30-4-10 et seq., S.C. Code Ann. Regs. 103-804(S)(1), or any other provision of law. Pursuant to S.C. Code Ann. Regs. 103-804(S)(2), the determination of whether a document may be exempt from disclosure is within the Commission's discretion.

S.C. Code Ann. Section 30-4-40 (a) (5) (2007) states that documents of and documents incidental to proposed contractual arrangements and documents of and documents incidental to proposed sales or purchases of property may be exempted from disclosure by a public body, however (a) these documents are not exempt from disclosure once a contract is entered into or the property is sold or purchased.

DESC asserts that it would be harmed if the appraisals were disclosed and the Company was then forced to market the properties again should the sale to the City of Columbia fail to occur for any reason. I agree with this assertion. Accordingly, I hold that the protective order requested by DESC is granted, and the unredacted appraisals shall be deemed confidential, pursuant to S.C. Code Ann. Section 30-4-40 (a)(5) (2007). However, as required by the statutory limitation at (a), this Order of Protection shall end and the confidential designation of the appraisals shall terminate once the property at issue is sold or purchased.

This ends the Chief Hearing Officer's Directive.